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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Miltner, et al.
Application No. : 10/684,293
Filed : October 10, 2003
Title : FOLDING KNIVES
Grp./Div. : 3724
Examiner : Nguyen, Phong H.
Docket No. : PMIL0004/MRK

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
July 11, 2006

DECLARATION UNDER 37 C.F.R. SECTION 132
BY RICHARD H. MILTNER

BACKGROUND INFORMATION ABOUT THE DECLARANT

1. I, Richard H. Miltner, am one of the inventors named for the above-identified patent application.

2. As a weapons expert in knives and other martial arts weapons, and with a black belt in karate, I served as a military police instructor in martial arts and close combat for the Austrian Armed Forces during 1974 -1975. After serving in the Austrian Armed Forces as a military police instructor, I was licensed in Austria, Switzerland and Germany during 1976-2000 as a body guard.

3. With my background in martial arts, close combat, and knives and martial arts weapons, I founded, with Juli Adams, the Miltner Adams Company.

4. Since its founding in 2003, the goal of the Miltner Adams Company has been to develop innovative and effective knives. Although the Miltner Adams Company is not limited to any particular type of knives, because of my background in tactical weapons, and because of their prestige in the knife industry, our initial emphasis has been on tactical knives.

5. Founded in 2003, the Miltner Adams Company might be considered a fledgling in the knife industry. Even so, since its founding, the Miltner Adams Company has already debuted award-winning tactical knives, including winning one of the coveted Blade Magazine 2005 Knife of the Year® awards and the prestigious 2006 IWA International Knife Award for technical design at the IWA Show in Europe (see http://press.nuernbergmesse.de/en/_iwa/25.pm.2710.html (a press release by IWA & Outdoor Classics 2006 regarding the "Knife Oscar" in Nürnberg, a true and correct downloaded printed copy of which is attached hereto as Exhibit E – At page 3, paragraph 4, the press release announces that "The jury found an additional aspect this year – the 'technical design'. The **special award** for a **Design Knife** was therefore presented to the '**Miltner Adams MA-1**' model from **Haller, Germany** [where the knife is manufactured] ...")) – both awards having been handed down for the Miltner Adams MA-1, a tactical folding knife.

LONG-FELT PROBLEM

6. It is my opinion that it is well known in the art that there has been a long-felt problem of maintaining a sharp edge on the blades of knives without using separate, special, complex and/or bulky sharpening equipment. To maintain a sharp edge, some major knife manufacturers expressly recommend professional sharpening. *See, e.g.*, http://www.sogknives.com/faq10.htm (Answering the question: "How do I sharpen my knife?" with the statement "We recommend professional sharpening. This is because if non-skilled individuals do sharpening, the process will not enhance the edge..."). Some high-end knife manufacturers even offer professional sharpening as a courtesy to their customers. *See, e.g.*, http://www.benchmade.com/about_knives/lifesharp_service.asp

(offering "LifeSharpe" sharpening service for Benchmade knives as a courtesy to Benchmade customers)[1]. Tactical knives have been no exception to the sharpening problem. Even though a tactical knife may start out, fresh from the manufacturer, with a precision sharp blade, even tactical knives, when used, become dull.

7. It is further my opinion that it is well known in the art that when sharpening a knife, there is a need to match the sharpening angle of the bevel to the angle of the sharpener. If the sharpening angle of the bevel is presented too flatly with respect to the angle of the sharpening surface, then the sharpening surface will only contact the shoulder of the bevel and will not sharpen the edge. An illustration of an improper flat sharpening angle of a knife bevel to a sharpening surface is depicted in Illustration A below.

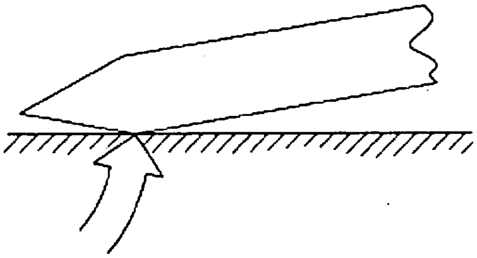

Illustration A

8. It is my opinion that, on the other hand, it is well known in the art that if the angle for sharpening is too steep, a secondary bevel will be ground. Illustration B below depicts an improperly steep sharpening angle.

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[1] Notwithstanding the position that evidentiary references cited herein comprise a "fair use" or other exception under the copyright laws, citations to web pages have been provided for direct reference by the Examiner in observance of copyright warnings on the cited websites against unauthorized reproduction; original magazines and newspapers have been attached as Exhibits; a press release, invited at the origin website for download and/or printing, has been attached as one of the Exhibits (Exhibit E) hereto.

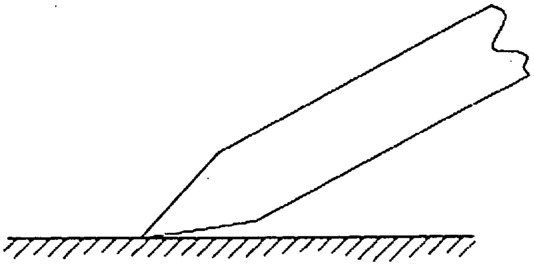

Illustration B

9. It is my opinion that it is well known in the art that, during the sharpening process, metal is removed from the bevel (or bevels in the case of a double beveled blade). Illustration C depicts a double beveled blade with bevel A-B and bevel C-D. Original bevel A-B is depicted at an angle of twenty degrees (20°) relative to the centerline of the blade (line E-F). Ideally, when sharpened, bevels A-B and C-D would both be ground at precisely the angle relative to the centerline (shown as twenty degrees (20°)) as the original respective bevels A-B and C-D, so that a sharp edge is formed.

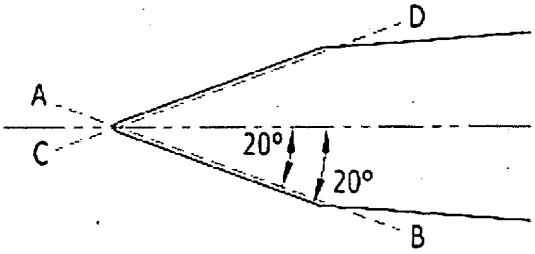

Illustration C

10. It is further my opinion that it is well known in the art that there has been a long-felt problem trying to match the sharpening angle of a bevel to a sharpening surface. Even though matching the sharpening angle of a bevel to a sharpening surface is critical for maintaining a sharp edge, doing so was previously almost impossible to

achieve without a guide. It is my opinion that, without a sharpening angle guide, a blade would often be ground at a steeper-than-appropriate angle, which in turn, created a secondary, less sharp angle on the bevel. The result of such improper sharpening was that, each time a blade was sharpened, the blade's bevel would be reshaped, and the blade would become duller and duller, as the width of the cutting edge grew wider. Illustration D depicts such a progressive dulling of a blade edge (showing progressively duller edges 1, 2, and 3).

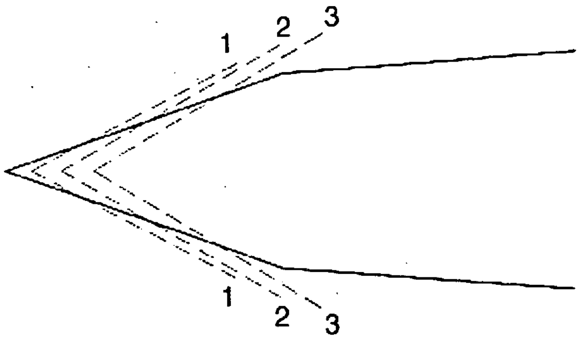

Illustration D

11. It is further my opinion that it is well known in the art that although sharpening a knife with a sharpening angle guide has been possible, doing so has typically required specialized equipment and/or a stationary location; such specialized equipment is typically complex and/or or bulky.

12. The use of specialized equipment or the need for a stationary location may present a substantial problem to a tactical knife user. That is because, when a tactical knife user is in the middle of a sporting adventure, hunting trip, military mission, or other tactical maneuver, the tactical knife user may not have the luxury of extra room for a special sharpening tool, such as, for example, a sharpening guide. Further, a tactical knife user may not, depending on the circumstances, have an opportunity to remain stationary for a period of time for sharpening a knife. Further, sending a knife for

professional sharpening will not likely be an option for a tactical knife user in the middle of a tactical maneuver.

SOLVING THE LONG-FELT PROBLEM AND NEED

13. The Miltner Adams MA-1 tactical folding knife is an exemplary embodiment of various Claims of the present invention that solves the long-felt problem of, and need for, sharpening a knife blade without having to use separate, special, complex and/or bulky sharpening equipment. The MA-1 provides a chisel ground blade in which the flat side of the blade has been hollow-ground. The hollow-grinding of the flat side of the blade produces a small raised flat bevel at the sharp edge and creates a spacing detent (sometimes referred to in the knife industry as a "spacer") on the flat side of the blade at the edge opposite the sharp edge. Illustration E below reproduces FIG. 30a of the present patent application. As depicted in Illustration E, a small raised flat bevel 10-1 is provided. Small raised flat bevel 10-1 comprises a grinding surface that comprises a portion of the centerline, Line 34-34, of the blade. Further, a "spacing detent" 32 is provided. As depicted in Illustration E, spacing detent (also sometimes referred to in the industry as a "spacer") 32 comprises a surface that is aligned with the surface of the small raised flat bevel and with the centerline, Line 34-34, of the blade. As can be seen in Illustration E, the grinding surface of small raised flat bevel 10-1 comprises a zero-angle with respect to the centerline, Line 34-34, of the blade.

FIG. 30a

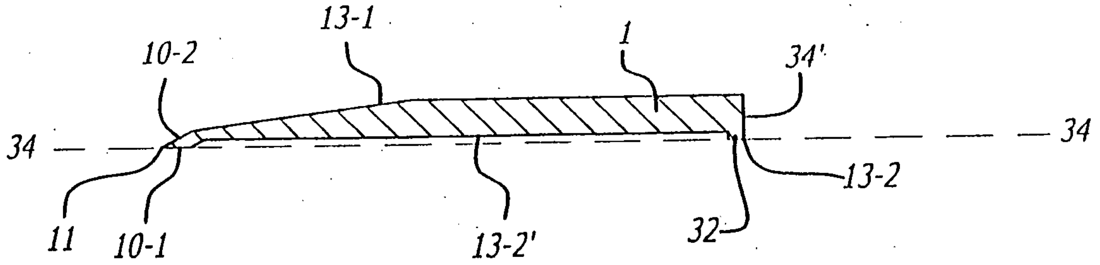

Illustration E

14. Illustration F below reproduces FIG. 30b of the present application and serves to depict a cross-section of an MA-1 blade. As depicted in Illustration F, a small raised flat bevel 10-1' comprises a grinding surface that comprises a portion of the centerline, Line 34-34, of the blade. Further, a "spacing detent" 32' is provided. Spacing detent (also sometimes referred to in the industry as a "spacer") 32' comprises a surface that is aligned with the surface of the small raised flat bevel and with the centerline, Line 34-34, of the blade. As can be seen in Illustration F, the grinding surface of small raised flat bevel 10-1' comprises a zero-angle with respect to the centerline, Line 34-34, of the blade.

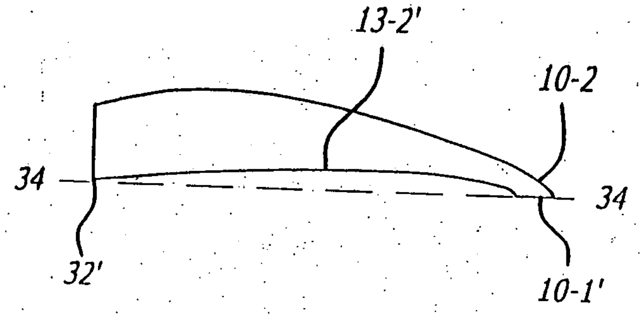

FIG. 30b

Illustration F

15. In the case of the MA-1 with the small raised flat bevel A-B, as depicted in Illustration G below, only the small raised flat bevel A-B needs to be ground to maintain a sharp edge.

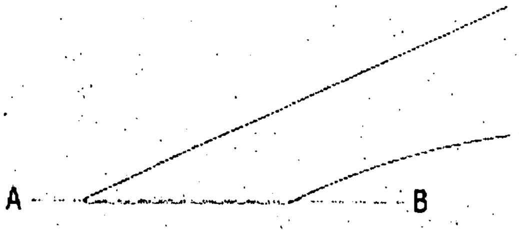

Illustration G

16. An MA-1 blade is a folding tactical knife blade. An MA-1 blade may be sharpened when the blade is folded out of the MA-1 folding knife handle by holding the hollow ground flat side of the blade on a grinding surface so that both the flat surface of the small raised flat bevel and the spacer adjacent the opposite edge touch the grinding surface. By simply maintaining even pressure on the blade (keeping both the small raised flat bevel and the spacer, an integral sharpening guide, in contact with the sharpening surface), the zero angle for grinding the zero angle small raised flat bevel is maintained. Grinding the zero angle small raised flat bevel results in sharpening the sharp edge of the blade.

17. Alternatively, the MA-1 blade may be sharpened as the MA-1 blade is opened and closed, out of and into the MA-1 handle, by applying lateral pressure against the convex side of the MA-1 blade to grind the surface of the small raised flat bevel against the integral sharpening surface provided inside the MA-1 handle. That is, in the MA-1, sharpening is done on a selective basis according to the user applying lateral pressure against the convex side of the blade. The capability for a user to choose when to sharpen the blade is sometimes referred to in the knife industry as “on-demand”, or selective sharpening. Exhibit A hereto provides a DVD that comprises a brief (approximately 4-minute) video and audio explanation about the MA-1 "Hollow-Flat™" blade, the MA-1 integral sharpener, and instructions for sharpening the MA-1 "Hollow-Flat™" blade using the integral MA-1 sharpener.

COMMERCIALLY SUCCESSFUL RECOGNITION BY INDUSTRY EXPERTS OF THE SOLUTION BY THE MA-1 OF THE LONG-FELT PROBLEM

18. _Blade®_ Magazine sponsors an annual show for the knife industry. The Blade Show Knives of the Year® awards are well known in the knife industry as a knife-industry equivalent of the “Oscars” in the motion picture industry. Knives that win _Blade®_ Magazine’s Knives the Year® awards are chosen by a vote of others in the industry. *See also*, Exhibit B, "Ingenuity, Thy Name is Knife", _Blade®_, (October 2005,

F+W Publications, Inc.), p. 12, ¶4 (explaining that the Blade® Magazine 2005 Knives of the Year® "...were chosen by a vote of the 129 booth holders at the BLADE Show. In a change for 2005, five industry professionals were chosen to participate in the voting as well, with their votes given additional value to help ensure that the award winners *reflect the best the industry has to offer*." (Emphasis added).) (Exhibit B provides a true and correct original of the October 2005 edition of the globally recognized Blade magazine; the cited article is tabbed and begins at p. 12 of Exhibit B.)

19. The Blade® Show is so important in the knife industry that many companies, both large and small, choose to debut new products there. *See, e.g.*. Exhibit C hereto, Mac Overton, "New Production Knives at the Blade Show", *Knives Illustrated®*, (October 2005, Y-Visionary Publishing, L.P.), p. 16, ¶1. (Exhibit C hereto provides a true and correct original of the October 2005 edition of the premier cutlery magazine, *Knives Illustrated®*; the cited article is tabbed and begins at p. 16 of Exhibit C.)

20. Because of the *Blade®* Show's importance, we at the fledgling Miltner Adams Company, chose to debut the MA-1 folding tactical knife at the 2005 Blade® Show in Atlanta.

21. Competing head to head against the titans of the knife industry, the Miltner-Adams "MA-1" folding tactical knife walked away from the 2005 Blade® Show with one of the prestigious Blade Magazine 2005 Knives of the Year® awards. Specifically, the Miltner Adams "MA-1" folding tactical knife was honored with the "Most Innovative Imported Design" award for 2005. *See, e.g.*. Exhibit C hereto, Mac Overton, "New Production Knives at the Blade Show", *Knives Illustrated*, (October 2005, Y-Visionary Publishing, L.P.), p. 16, Top of page photograph and subheading text (showcasing the Miltner Adams "MA-1" tactical folder knife, announcing that the knife "won 'Most Innovative Import' honors at Blade 2005."). *See also*, Exhibit B, "Ingenuity, Thy Name is Knife", *Blade®*, (October 2005, F+W Publications, Inc.), p. 16, right column (heralding

the Miltner Adams "MA-1" knife as the winner of the "Most Innovative Imported Design" in the 2005 Blade Show).

22. The "Most Innovative Imported Design" award bestowed on the Miltner Adams MA-1 was a direct result of the embodiment by the MA-1 of various Claims of the present application. Exhibit D hereto is a true and correct original of the July 2005 issue of the *Knife World®* newspaper. Page 12 of the July 2005 issue of the *Knife World®* newspaper that is attached hereto as Exhibit D features a column entitled "Knife News". The "Knife News" column describes the Miltner Adams' MA-1 as "something different." As explained in the "Knife News" article:

> In a cutlery world awash in tactical folders [folding knives], this new design truly stands out ... what really makes this ...knife unique is an integral knife sharpener and a uniquely designed blade ... With a little lateral pressure and a few quick back and forth motions, [the] blade is sharpened ... Making possible this innovation is a unique blade grind -- ... the flat side is hollow ground, producing a raised flat bevel that makes it possible to sharpen on the flat side. In addition, the shape of the hollow grind creates a spacer opposite the raised flat bevel that acts as a built-in "guide." This flat bevel perfectly matches the sharpening element mounted in the handle.

Exhibit D, “Knife News, Miltner Adams' MA-1: Something Different”, *Knife World®* (July 2005, Knife World Publications, Knoxville, TN), p. 12. The “Knife News” column is respectfully presented as objective evidence that the commercial success of the MA-1, as evidenced by the 2005 "Most Innovative Imported Design" award, is a direct result of the MA-1 featuring elements recited by various Claims of the present application, including the integral sharpener, in combination with the hollow ground flat side of the blade producing a raised flat bevel that makes it possible to sharpen the blade on the flat side, and a spacer opposite the raised flat bevel that acts as a built-in sharpening guide so that the blade can be sharpened when the blade has been extended out of the knife handle. Exhibit D, “Knife News, Miltner Adams' MA-1: Something Different”, *Knife World®* (July 2005, Knife World Publications, Knoxville, TN), p. 12.

DISCUSSION OF THE OFFICE ACTION AND THE CITED REFERENCES

23. I have reviewed the Office Action dated January 12, 2006 (the "*Office Action*"), the references cited in the *Office Action*, namely, Pope (U.S. Patent No. 6,643,934 B2; "*Pope*"), Gouttebarge (U.S. Patent No. 5,181,321; "*Gouttebarge*"), and Ishida (U.S. Patent No. 4,149,313; "*Ishida*"), and the rejections of the Claims of the present application under 35 U.S.C. §103(a) in view of *Ishida*, *Gouttebarge*, and *Pope*.

24. The above-outlined problem of sharpening knives, including the above-provided citations to websites by major knife manufacturers, are respectfully presented as objective evidence of a long-felt need.

25. The above-outlined recognition by our keenest competitors in the industry, as well as by five highly respected industry professionals, is respectfully presented as objective evidence of commercial success of the Miltner Adams MA-1 folding tactical knife, which embodies various Claims of the present application, as a solution to the above-outlined long-felt need.

a. *Ishida*

26. *Ishida* discloses an edge tool in which an edge portion is bent and then ground and polished. *Ishida*, Abstract; *Ishida*, col. 1, line 63 - col. 2, line 15.

27. It is my opinion that there is no disclosure in *Ishida* of hollow-grinding a flat side of a beveled blade to produce a small raised flat bevel as recited, for example, in independent Claims 12 and 22 of the present application.

28. Further, it is my opinion that there is no disclosure in *Ishida* of a sharp edge being formed at an intersection of a zero-angled, or flat, bevel, and an angled bevel as recited, for example, in independent Claims 1, 12, 22, and 25 of the present application. Rather, the edge (element 13 in FIGS. 1, 4 and 5 of *Ishida*) is shown in *Ishida* as formed at the intersection of bent portion 8 and "polished surfaces 11 and 12." See, *Ishida*, col.

2, lines 8-15 and *Ishida*, FIGS. 2-5. It is my opinion that bent portion 8 of *Ishida* does not comprise an angled bevel, but rather, is rounded, from bending. *See*, *Ishida*, col. 2, lines 8-15 and *Ishida*, FIGS. 2-5.

29. It is my opinion that there is a substantial difference in sharpness between an edge formed, on the one hand, at an intersection between an angled bevel surface of an angled bevel and a flat surface of a raised flat bevel, such as is recited, for example, in Claim 1 of the present application, and, on the other hand, an edge formed at an intersection between a flat surface and a rounded, bent surface as disclosed in *Ishida*. The difference is that, in my opinion, the edge formed at an intersection between an angled bevel and a flat bevel would be substantially sharper than an edge formed at an intersection between a rounded, bent surface and a flat bevel.

30. Yet further, it is my opinion that there is no disclosure in *Ishida* of a spacer, or spacing detent, being provided adjacent to an edge opposite a sharp edge as recited, for example, in independent Claims 12, 22, and 25 of the present application; *see also*, dependent Claim 7 of the present application.

b. **Gouttebarge**

31. *Gouttebarge* discloses bending part of a cutting blade blank corresponding to a cutting edge so that the bent part is "tilted at a grinding angle relative to the longitudinal median plane of the blank." *Gouttebarge*, Abstract.

32. It is my opinion that there is no disclosure in *Gouttebarge* of hollow-grinding a flat side of a beveled blade to produce a small raised flat bevel as recited, for example, in independent Claims 12 and 22 of the present application.

33. Further, it is my opinion that there is no disclosure in *Gouttebarge* of a sharp edge being formed at an intersection of a zero-angled, or flat, bevel and an angled bevel as recited, e.g., in Claim 1 of the present application. As compared to a zero-

angled, or flat, bevel, as recited, e.g., in Claim 1 of the present application, it is my opinion that Gouttebarge discloses two angled bevels. *See, e.g.,* FIG. 3 of Gouttebarge (showing that the angle "a" of bevel 5 is equal to the angle "a" of bevel 6). Yet further, as compared to a zero-angled, or flat, bevel as recited, for example, in Claim 1 of the present application, Gouttebarge further discloses sharpening angled face 5 by grinding at a sharpening angle. *See* Gouttebarge, col. 2, lines 17-25 ("...final sharpening is performed by grinding the part extending from bent part 4a, in other words, by grinding face 5 shown in FIG. 3. This *grinding, performed at a sharpening angle with a value a equal to the angle of inclination of face 6*, is preferably performed until apex 7 of the cutting edge is in the longitudinal median plane represented by axis x'--x in FIG. 3." (emphasis added)). It is my opinion that the sharpening angle of Gouttebarge is some angle greater than zero. *See, e.g.,* Gouttebarge, col. 2, lines 12-13 ("The bending angle a is equal to the sharpening angle (which in a preferred embodiment has a value of 7.5°)."); *see also*, Gouttebarge, FIG. 3 showing angle "a" for both bevel 6 and bevel 5). Therefore, as compared to, for example, Claim 1 of the present application, it is my opinion that Gouttebarge does not disclose a raised flat bevel that comprises "... a flat surface ... [that] is substantially parallel to the centerline of the blade...".

34. Yet further, it is my opinion that there is no disclosure in Gouttebarge of a spacer, or spacing detent, being provided *adjacent to an edge opposite a sharp edge*, as recited in one way or another in some of the Claims of the present application. *See, e.g.,* Claim 7 (reciting "a spacing detent disposed on the second blade side at the second edge", where the second edge is recited in Claim 1 as "a second edge, wherein said second edge opposes the sharp edge, wherein the centerline of the blade extends from the sharp edge of the blade to second edge of the blade..."; *see also, e.g.,* Claim 12 (reciting "a second edge, wherein the second edge is opposite the sharp edge, and ... a second side, wherein the second side is hollow ground, wherein the second side comprises an indentation in the second side, [[and]] wherein the second side further comprises the small raised flat bevel, and wherein the second side further comprises a raised spacing detent adjacent to the second edge...").

35. In the Office Action, a portion of blade element 2 depicted in FIG. 1 of *Gouttebarge* is labeled by the Examiner as a "Spacing detent" (*Office Action*, page 3). It is my opinion that there is no disclosure in *Gouttebarge* that indicates that the portion of blade element 2 labeled in the Office Action by the Examiner as a "Spacing detent," is a "detent." The Specification of the present application (the "*Specification*") explains that:

> ... a spacing detent would be provided at the end of the blade opposing the sharp edge of the blade on the hollow ground flat side of the blade. In the exemplary raised edge Hollow Flat blade embodiment, the spacing detent would have exactly the same height as the small raised flat bevel.

Specification, p. 8, lines 24-28 (citations to the *Specification* of the present application are to the *Specification* as originally filed). That is, according to the *Specification* of the present application, the spacing detent is a protrusion, not an indentation.

36. As compared to a "detent" as described in the *Specification*, it is my opinion that the portion of blade element 2 labeled by the Examiner as a "Spacing detent" is, in *Gouttebarge*, an indentation, not a protrusion, with respect to angled bevel 5. That is because *Gouttebarge* discloses that "...bending is preferably performed so that end 4b of part 4a is extended beyond the longitudinal median plane of the blank represented in FIG. 2 by axis x'--x." *Gouttebarge*, col. 2, lines 13-16. In FIG. 3 of *Gouttebarge*, angled bevel 5 is depicted as extending beyond blade integral 2. The portion of the blade labeled by the Examiner as a "Spacing detent" in FIG. 1 is depicted in FIG. 1 as a portion of blade integral 2. It is my opinion that angled bevel 5 of *Gouttebarge* extends beyond blade integral 2. It is my opinion, therefore, that all parts of blade integral 2 shown in FIG. 1 of *Gouttebarge* are indented with respect to angled bevel 5.

37. However, even assuming for the sake of argument that the portion of the blade labeled by the Examiner as a "Spacing detent" in FIG. 1 of *Gouttebarge* is a detent, and not an indentation, it is my opinion that the labeled portion is adjacent to the sharp edge, not, as recited in one way or another in various Claims of the present application,

adjacent to the edge opposite the sharp edge. *See, e.g.,* Claims 7 and 12 of the present application.

c. ***Pope***

38. *Pope* discloses "a self-sharpening pocket knife ... having abrasive stone strips ... and additional means for biasing the strips inward so that as the stone wears down there is always enough surface area in contact with the blade to sharpen it." *Pope*, Abstract.

39. It is my opinion that there is no disclosure in *Pope* , and that *Pope* does not anticipate, teach or suggest, hollow-grinding a flat side of a beveled blade to produce a small raised flat bevel as recited, for example, in independent Claims 12 and 22 of the present application.

40. Further, for the reasons explained further below, it is my opinion that there is no disclosure in *Pope* of a sharp edge being formed at an intersection of a zero-angled, or flat, bevel and an angled bevel as recited, for example, in Claim 1 of the present application. It is my opinion that the term "biasing" is used in *Pope* to mean slanting. Therefore, it is my opinion that the disclosure of *Pope* of a "means for biasing the strips inward", in combination with elements 26 as depicted in FIG. 4 of *Pope*, teaches that *Pope* does not contemplate, teach or suggest that either side of a blade 30 would be flat, or parallel to the centerline of blade 30.

41. Still further, for the reasons explained further below, it is my opinion that *Pope* does not disclose, anticipate, teach or suggest "…. a … first grinding surface of the sharpening element [that] is parallel to the centerline of the blade …" as recited, for example, in Claim 1 of the present application. Rather, *Pope* discloses "means for biasing said sharpening means into contact with said knife" as recited in, e.g., Claim 1 of *Pope*. As previously mentioned above, it is my opinion that *Pope*'s disclosure of "biasing" the sharpening means, discloses angling the sharpening means. *See also*,

www.crkt.com/edgie.html (a page in the website for knife manufacturer CRKT, advertising a knife named the "Edgie™", marked with "U.S. Patent 6,643,934b2" (the U.S. Patent No. for *Pope*), explaining that "...a...spring sharpener built into the folder frame ... is placed *at the precise angle* to give the ... blade a sharpening stroke as it is closed, and again as it is opened..." and cautioning that "[n]ot only do you never need to sharpen the Edgie with stones or wheel, but you should not, because it may alter the Edgie's proper self-sharpening *edge angle*.") (Emphasis added)). In view of the above-cited disclosures of *Pope* and the above-mentioned explanation of a product marked with the *Pope* Patent No., it is therefore my opinion that, as compared to "... a ... first grinding surface of the sharpening element [that] is parallel to the centerline of the blade ..." as recited, for example, in Claim 1 of the present application, the sharpening surfaces of *Pope* form a greater-than-zero angle relative to the centerline of a blade presented to the *Pope* sharpener.

42. Further still, it is my opinion that *Pope* does not disclose, anticipate, teach or suggest "selective grinding" as recited, *e.g.*, in Claim 2 of the present application. Rather, *Pope* discloses that:

> Sharpening means 22 is attached to the inside of housing 20 and positioned so that as blade 30 is opened and closed, cutting edge 32 of blade 30 comes into contact with sharpening means 22, thereby sharpening cutting edge 32.

Pope, col. 2, lines 60-64. *See also*, www.countryknives.com/store/product.asp?sku=CR6442 (advertising the CRKT "Edgie™" and explaining that the knife is called the "Edgie™ because it hones its edge *every time it is opened or closed*." (Emphasis added)).

43. Yet further, it is my opinion that there is no disclosure in *Pope* of a spacer, or spacing detent, being provided *adjacent to an edge opposite a sharp edge*, as recited in one way or another in, *e.g.*, Claims 7 and 12, of the present application.

44. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any corresponding U.S. patent.

Date: 07.11.06

Richard H. Miltner